

RIVER ROCK ZONING REGULATION



ADOPTED OCTOBER 4, 1978

AMENDED MAY 29, 2001

RESOLUTION 2001- 41A

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SECTION 1 TITLE

- 1.1 This regulation shall be known and cited as the River Rock Zoning Regulation and is adopted specifically for the River Rock Planning and Zoning District, said district having been created by resolution of the Board of County Commissioners, Gallatin County, Montana, on June 21, 1978.
- 1.2 Pursuant to Section 76-2-102, M.C.A., there is hereby adopted a development pattern consisting of the River Rock Master Plan and the River Rock Zoning Regulation.
- 1.3 Pursuant to Section 76-2-102, M.C.A., there has been created a Planning and Zoning Commission for the River Rock Planning and Zoning District which consists of the three County Commissioners, the County Surveyor and a county official appointed by the County Commission, and having all the powers developed upon it by the state statutes of the State of Montana and by this regulation.

(Amended by County Commission Resolution No. 1999-14 on April 20, 1999, changing the name of the district from "Royal Village" to "River Rock")

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

SECTION 2 DEFINITIONS

For the purpose of this regulation, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the Planning and Zoning Commission may define such terms.

2.1 ACCESSORY USE OR BUILDING

The use of land or a subordinate building or a portion of a main building such use being secondary to or incidental to the principal use or structure.

2.2 AGRICULTURE

The tilling of soil, the raising of crops, horticulture and gardening, dairying or animal husbandry including all uses customarily incidental thereto, but not including any agriculture industry or business such as fruit packing plants, fur farms, animal hospitals, commercial feed lots or similar use.

2.3 APARTMENTS

A building or portion thereof designed with more than four individual dwelling units.

2.4 AUTOMOBILE WRECKING

The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled, or partially dismantled, obsolete or wrecked vehicles or other parts.

2.5 BOARDING (LODGING OR ROOMING) HOUSE

A building, or portion thereof, other than a hotel, rest home, or home for the aged where lodging and/or meals exclusive of the operator's immediate family are provided for compensation. See also Sec 2.68 Unit, Rooming.

2.6 BUILDING

Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

2.7 BUILDING HEIGHT

The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

- 2.8 BUILDING, TEMPORARY
A temporary structure without any foundation or footings and that is removed prior to occupancy of a permanent structure or use. See Sec 2.62 Temporary Structure.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.9 CHURCH
A building designed for public worship by any religious body.
- 2.10 CLINIC
A place used for the care, diagnosis, and treatment of sick, ailing, infirmed, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.
- 2.11 CLUBS (FRATERNAL LODGES)
Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- 2.12 CONDITIONAL USE
See Sec 2.70: Use, conditional
- 2.13 CONDOMINIUM
A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.
- 2.14 DENSITY
The total number of dwelling units allowed per gross acre.
- 2.15 DUPLEX TOWNHOUSE
A building consisting of two one-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof on adjoining lots.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.16 DWELLING
A building or portion thereof designed with living quarters for occupancy by one or more families.
- 2.17 DWELLING, ONE-FAMILY
A building designed with accommodations for and occupied by one family only.
- 2.18 DWELLING, MULTI-FAMILY
A building designed with two to four dwelling units.

- 2.19 DWELLING UNIT
A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
- 2.20 FAMILY
Any individual, or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.
- 2.21 FENCE
Any constructed barrier erected to enclose, screen, or separate areas.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.22 FLOOR AREA
The total number of square feet of floor space within the exterior walls of a building (floor areas of basements shall not apply as part of the required minimum floor area of buildings).
- 2.23 GARAGE, AUTOMOTIVE REPAIR
Any building or premises used for major vehicles but not including auto wrecking or storage of wrecked cars. Repair activity shall be conducted in enclosed places or screened from public view.
- 2.24 GASOLINE SERVICE STATIONS
Any building or portion thereof and the land upon which it is situated used for supplying fuel and/or oil for motor vehicles at retail direct to the consumer and/or making minor vehicle repairs.
- 2.25 HOME OCCUPATION
The use of a portion of a dwelling as an office, studio, or work room for occupations at home by one or more persons residing in the dwelling unit. No home occupation shall occupy more than 20 percent of the gross floor area nor more than 400 square feet of gross floor area. The activity must be clearly incidental to the use of the dwelling for dwelling purposes and shall not change the character or appearance thereof.
- 2.26 HOSPITAL
An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including out-patient departments, training facilities, central service facilities and staff offices.
- 2.27 HOTEL
A building containing six or more rooms designed for and rented out for sleeping purposes for transients and where only a general kitchen and dining room are provided in the building or in an accessory building.

- 2.28 JUNK YARD
Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in any other than the original form in which it was manufactured and/or assembled, thus, not including reconditioned second-hand furniture, fixtures, or antiques sold from within a walled building.
- 2.29 KENNEL
Any lot or premises on which three or more dogs or cats, at least four months of age are kept, boarded, or trained, whether in special structures or runways or not.
- 2.30 LANDSCAPING
Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains and pools.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.31 LOADING BERTH - OFF-STREET
An off-street space or berth on the same lot with a principal building for the parking of a commercial vehicle while loading or unloading merchandise and which has direct access from a public street or alley.
- 2.32 LOT
A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 2.33 LOT CORNER
A lot situated at the junction of and abutting on two or more streets.
- 2.34 LOT COVERAGE
The total area of a lot covered by the principal and accessory buildings.
- 2.35 LOT LINES
The lines bounding a lot as defined herein.
- 2.36 LOT WIDTH
The width of a lot along a line parallel to the frontage thereof and lying a distance equal to the required front yard setback on such lot.
- 2.37 MANUFACTURED HOUSING
Factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act of 1976, commonly known as the HUD (US Dept of Housing and Urban Development) Code.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

- 2.38 MASTER PLAN
Master plan shall include any document or portion of any document duly adopted by the zoning commission which is intended to guide the growth and development of the area.
- 2.39 MOBILE HOME
Forms of housing known as "trailers," "house trailers," or "trailer-coaches," built to be transportable on its own chassis, comprised of frame and wheels and designed to be used as a dwelling unit when connected to appropriate utilities. See also Sec 2.37 Manufactured Housing.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.40 MOBILE HOME LOT
A designated portion of a mobile home park for placement of one mobile, manufactured or modular home, and accessory structures.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.41 MOBILE HOME PARK
A tract of land providing two or more mobile home lots for lease or rent to the general public.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.42 MODULAR HOME
Factory-built, single-family structure that meets the Uniform Building Code.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.43 MOTEL
See Sec 2.27 Hotel
- 2.44 NURSING HOME
A building or portion thereof used for the housing of and caring for the ambulatory, aged, or infirmed by a professional staff.
- 2.45 PARKING LOTS
A structure or an area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or an accommodation for customers or clients.
- 2.46 PARKING SPACE, OFF-STREET
A space located off any public right-of-way which is at least nine feet by twenty feet in size for parking of any motor vehicle, with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

- 2.47 PLANNING AND ZONING COMMISSION
The five members of the River Rock Planning and Zoning Commission as defined in Section 76-2-102, M.C.A., consisting of the three County Commissioners, the County Surveyor and a county official appointed by the county.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.48 PROFESSIONAL (BUSINESS) OFFICES
Offices to be occupied by accountants, architects, dentists, doctors, engineers, lawyers, insurance agents, real estate agents, or other professions which are of a similar nature.
- 2.49 RECREATIONAL VEHICLE
A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes, which is not more than eight feet in body width nor forty-five feet in body length.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.50 RECREATIONAL VEHICLE PARK
Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.51 RESTAURANT
A public eating house which does not provide curbside or automobile service.
- 2.52 RETAIL SALES
An establishment selling goods, wares, or merchandise directly to the ultimate consumer.
- 2.53 ROOMING HOUSE
See Sec 2.5 Boarding House.
- 2.54 ROOMING UNIT
See Sec 2.68 Unit, Rooming.
- 2.55 SCREENED
Concealed or cut off from direct visual contact.
- 2.56 SETBACK
The horizontal distance required between any structure and a lot line. This distance is to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.

- 2.57 SHOPPING CENTER
One or more buildings containing at least three separate retail businesses, planned, developed, and managed as a unit, with off-street parking provided on the property.
- 2.58 SIGN
Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.
- 2.59 SIGHT TRIANGLE, CORNER
A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.60 STORAGE FACILITIES/GARAGES
Buildings and fenced enclosures with controlled access for storage of personal property and materials for individuals and families.
(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)
- 2.61 STRUCTURE
That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
- 2.62 STRUCTURE, TEMPORARY
A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. See also Sec 2.8 Building, Temporary.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.63 STRUCTURAL ALTERATION
Any change in the shape or size of any portion of a building or of the supporting members of the girders, floor joist, or roof joist.
- 2.63a TRADITIONAL SINGLE FAMILY
Single-family detached homes that reflect the character of older traditional neighborhood with narrow lots, covered front porches, and smaller garages that set back from the front plane of the home.
(Amended by County Commission Resolution No. 2001-41 on April 24, 2001.)
- 2.64 TOWNHOUSE
A building consisting of three or more one-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof on adjoining lots. Each unit in a townhouse building shall have a separate outside entrance. Any structure of two, three or four dwelling units which does not provide this shall be classified as a multi-family dwelling as defined in this regulation.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

- 2.65 TRAVEL TRAILER
See Sec 2.49 Recreational Vehicle.
- 2.66 TRAVEL TRAILER PARK
See Sec 2.50 Recreational Vehicle Park.
- 2.67 UNIT, EFFICIENCY
An efficiency unit is an apartment unit with unseparated area for sleeping and/or cooking.
- 2.68 UNIT, ROOMING
A rooming unit is a space for human occupancy lacking private bath and/or kitchen facilities with a floor area of at least 450 square feet.
- 2.69 USE
Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- 2.70 USE, CONDITIONAL
Uses, other than permitted uses, that may be allowed in a specific district but requiring additional safeguards to maintain and assure the health, safety, morals, and general welfare of the community and to maintain the character of the district.
- 2.71 USE, PRINCIPAL
Primary or predominant permitted use of any lot.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.72 VARIANCE
The relaxation of the strict application of the terms of this regulation with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, building height, parking and loading space requirements, etc., where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.
- 2.73 WHOLESALE ESTABLISHMENT
An establishment for the sale of goods and merchandise for resale instead of direct consumption.
- 2.74 YARD, FRONT
An open space extending across the full width of the lot between the front building line and the front lot line.

- 2.75 YARD, REAR
An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.
- 2.76 YARD, SIDE
An open space extending from the side building line to a side lot line running from the front to the rear of the lot.
- 2.77 ZERO LOT LINE
The relaxation of the strict application of side yard requirements where two adjoining lot owners agree to the side yard reduction.
- 2.78 ZONING COMMISSION
See Sec 2.47 Planning and Zoning Commission
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
- 2.79 ZONING ENFORCEMENT AGENT
That official designated by the Planning and Zoning Commission as the official responsible for accepting and reviewing all zoning permits and applications made to the Planning and Zoning Commission to ensure their conformance and for interpretations and enforcement of regulations pertaining to zoning.
(Amended by County Commission Resolution No. 2001-41 on April 24, 2001)

SECTION 3 ESTABLISHMENT OF DISTRICTS

3.1 OFFICIAL ZONING MAP

The River Rock Planning and Zoning District is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this regulation.

For the purpose of this regulation, The River Rock Planning and Zoning District is hereby divided and classified into the following use districts:

1. R-2 — Residential - Single-family, medium density
2. R-MH — Residential - Manufactured Home
3. R-TH — Residential - Medium density Townhouses
4. APT — Apartments
5. B-3 — Community Business
6. STG — Storage Facilities/Garages
7. PLI — Public Lands and Institutions

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

3.2 CERTIFICATE

The Official Zoning Map shall be available at the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairman of the Gallatin County Commission, attested by the County Clerk and the date of adoption.

At such time as map amendments are made, or in the event that the map becomes damaged, destroyed, lost or difficult to interpret, the Official Zoning Map shall be updated, adopted, and certified.

Regardless of the existence of purported copies of the map which may from time to time be made or published, the Official Zoning Map on file in the office of the County Clerk and Recorder shall be the final authority as to current zoning.

(Amended by County Commission Resolution No. 1999-14 on April 20, 1999)

3.3 *(This section intentionally left blank. Amended by County Commission Resolution No. 1999-14 on April 20, 1999)*

3.4 INTERPRETATIONS OF BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines as shown on the Official Zoning Map;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main track (s);
5. Boundaries indicated as following the center line of streams, rivers, canals, or ditches, shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arise over district boundaries the Board of County Commissioners shall interpret the district boundary.

3.5 INTERPRETATION OF USES

If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Commission shall determine the appropriate classification for that use.

In interpreting use classification, the Zoning Commission shall determine:

1. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
4. That neither the intent of the regulation nor the intent of the district will be abrogated by such classification.

SECTION 4 APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Section 12, 15, 16 and 18 with respect to supplementary regulations, conditional uses, variances, and non-conforming uses and non-conforming buildings, the regulations set by this regulation shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 4.1 No building, structure or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.
- 4.2 No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, or other open spaces.
- 4.3 No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 4.4 Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements established by this regulation.

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SECTION 5 R-2 RESIDENTIAL - SINGLE FAMILY, MEDIUM DENSITY

5.1 INTENT

The intent of this district is to provide for medium density single family residential development including duplex townhouses and for neighborhood facilities to serve such development while preserving the residential quality and nature of the area.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

5.2 PERMITTED USES

1. Accessory uses and structures as defined.
2. Conditional uses provided in Section 15 of this regulation and subject to the conditions and requirements prescribed.
3. Home occupations as defined.
4. Newly constructed one-family dwellings placed on a permanent foundation, including modular and manufactured homes as defined.
5. Duplex Townhouses as defined.
6. Temporary buildings for and during construction, only.
7. Traditional single family as defined.

*(Amended: January 1987) (Amended by County Commission Resolution No. 1999-09 on March 23, 1999)
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)*

5.3 LOT AREA AND WIDTH

1. Lot area for a Duplex Townhouse and Traditional Single Family shall be no less than 4,500 square feet; lot width shall not be less than 45 feet.
2. Lot area for any other permitted principal use in this district shall be no less than 7,500 square feet; lot width shall not be less than 70 feet.

*(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)*

5.4 LOT COVERAGE AND FLOOR AREA

Not more than 40 percent of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of 900 square feet of floor area.

(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)

5.5 YARDS

Every lot shall have the following minimum yards:

<u>Detached Single Family</u>		<u>Duplex/Town House</u>		<u>Traditional Single Family</u>	
Front yard	25 feet	Front yard	25 feet	Front yard	15 feet
Rear yard	15 feet	Rear yard	15 feet	Rear yard	10 feet
Side yards	8 feet each side	Side yards	8' + 0'	Side yard	5 feet

*(Amended: January 1987) (Amended by County Commission Resolution No. 1999-09 on March 23, 1999)
(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)*

5.6 BUILDING HEIGHT

Maximum building height in this district shall be 24 feet.

5.7 OFF-STREET PARKING

Two off-street parking spaces shall be provided for each dwelling unit. Off-street parking for non-residential uses shall be provided as specified in Section 13 of this regulation.

5.8 OFF-STREET LOADING

One off-street loading berth, as specified in Section 14 of this regulation shall be required for each non-residential building of over 10,000 square feet of floor area.

5.9 EXTERIOR APPEARANCE

All single family homes in this district shall meet the following standards:

1. Minimum width of the main portion of any dwelling unit shall be twenty (20) feet.
2. The pitch of the main roof shall be not less than one (1) foot of rise for every four (4) feet of horizontal run. Minimum distance from eaves to ridge shall be eleven (11) feet.
3. All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development (HUD) code.
4. All dwellings shall be built on mortared-block or concrete foundations.
5. Metal siding shall run in a horizontal or diagonal direction and shall be lapped. Wood siding may run in either a horizontal, vertical, or diagonal direction.

*(Amended: January 1987)
(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)*

SECTION 6 R-MH RESIDENTIAL-MANUFACTURED HOME DISTRICT

6.1 INTENT

The intent of this section is to provide for single- family manufactured and modular home subdivision development in appropriate districts and to establish standards for development in order to integrate manufactured and modular homes into an area and to protect the health and safety of residents and the general public.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.2 PERMITTED USES

1. One-family manufactured and modular home.
2. Mobile Home Park.
3. Administration Center, Operations and Maintenance Center, Managers' House and Garage.
4. Accessory uses and structures as defined.
5. Conditional uses provided in Section 15 of this regulation and subject to the conditions and requirements prescribed.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.3 LOT AREA AND WIDTH

Minimum lot area shall be 5,000 square feet with a minimum lot width of 50 feet.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.4 LOT COVERAGE AND FLOOR AREA

Not more than 50 percent of the lot shall be occupied by principal and accessory buildings. Each home shall have a minimum width of 14 feet and a minimum of 750 square feet of floor area.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.5 YARDS

Every lot shall have the following minimum yards:

Front yard	15 feet
Rear yard	8 feet
Side yard	8 feet
Street side yard	15 feet

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

6.6 BUILDING HEIGHT

Maximum building height shall be 24 feet.

6.7 OFF-STREET PARKING

Off-street parking for this district shall be provided in accordance with Section 13 of this regulation.

6.8 SKIRTING AND FOUNDATION REQUIREMENTS

Buildings may either be:

1. Placed upon mortared block or concrete foundations, or
2. Manufactured and modular homes may be set and anchored as shown in Diagram 6.8, and have the space below the home skirted by weatherproof material, metal, masonry, or wood, painted a color to match or compatible with the exterior design of the home. Skirting must be completed within 30 days after the home is set.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.9 ADDITIONS AND STORAGE

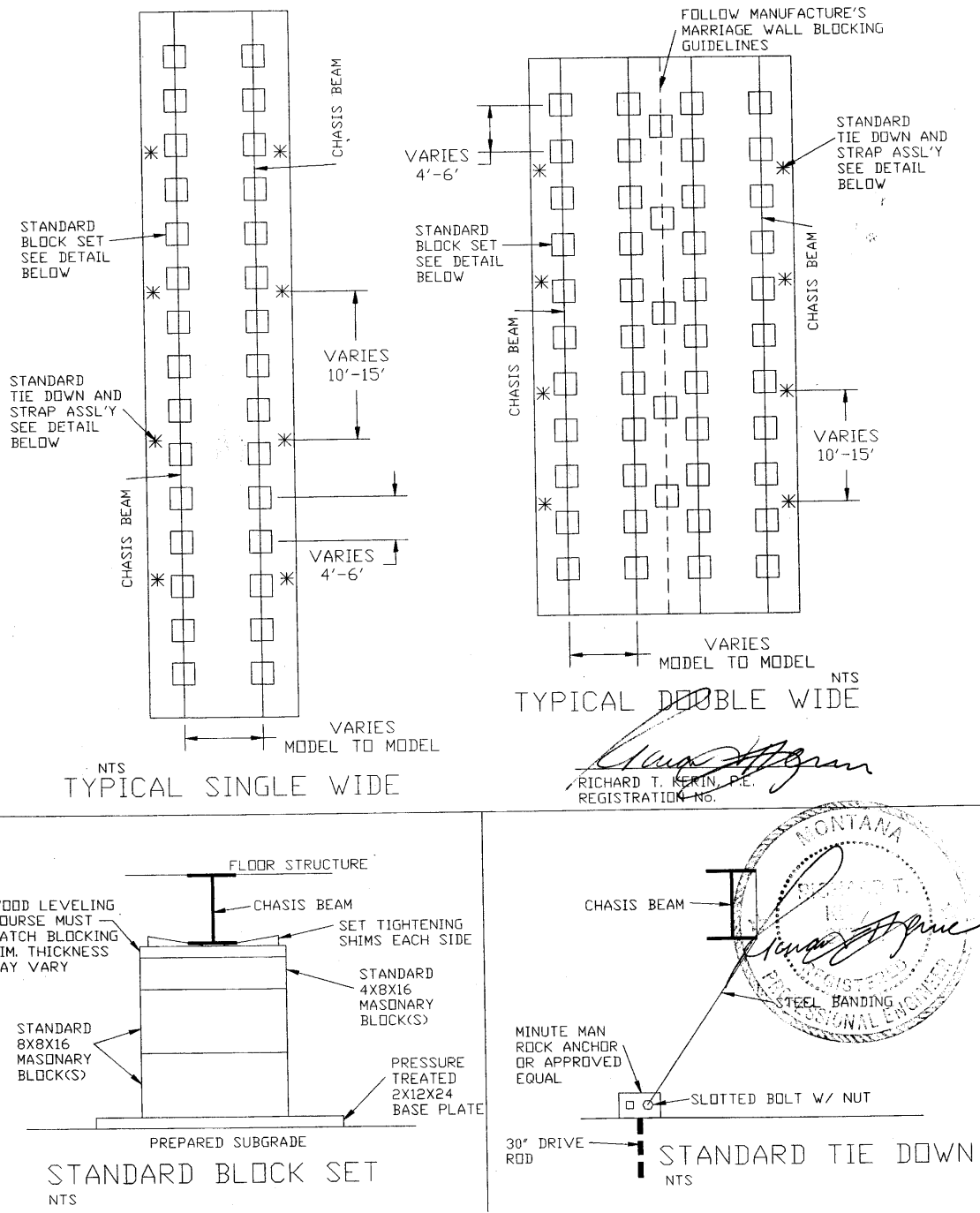
Any additions to a manufactured or modular home including awnings, carports, porches, etc., must be completed within ninety days after construction has started. The materials and design shall be consistent and complimentary to the exterior design of the home. Wood must be painted or stained a color to match or compliment the home. Steps, porches, or decks must be painted or stained.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

6.10 MANUFACTURED HOUSING SPECIFICATION

All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development (HUD) codes.

Diagram 6.8: Anchor Detail #1



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SECTION 7 R-TH RESIDENTIAL - MEDIUM DENSITY TOWNHOUSE

7.1 INTENT

The intent of this section is to provide for the development of medium density group housing such as Townhouses or multi-unit buildings. This is achieved by allowing reduced lot size, reduced lot width and compensating for the reduction in lot size by requiring common open spaces, scenic and recreational areas and other amenities.

(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)

7.2 PERMITTED USES

1. Conditional uses provided in Section 15 of this regulation and subject to the conditions and requirements prescribed.
2. Clinics, hospitals and nursing homes.
3. Townhouses as defined.
4. Uses permitted in the R-2 District. Accessory uses and structures as defined.
5. Home occupations as defined.
6. Multi-family dwellings constructed on site not to exceed 4 dwelling units per building (Fourplex).
7. Temporary buildings for and during construction only.

*(Amended: January 1987) (Amended by County Commission Resolution No. 1999-09 on March 23, 1999)
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)*

7.3 LOT AREA AND WIDTH

1. Lot area for single-family dwellings shall be not less than 5,000 square feet with a minimum lot width of 50 feet.
2. Lot area for individual townhouse units shall be not less than 1,600 square feet with a minimum lot and building width of 20 feet.
3. Lot area for other buildings shall be not less than 5,000 square feet plus 1,000 square feet for each additional unit over one, with a minimum lot width of 50 feet.

7.4 LOT COVERAGE AND FLOOR AREA

Not more than 40 percent of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit or townhouse unit shall have a minimum of 550 square feet of floor area in its living quarters.

7.5 YARDS

Every lot shall have the following yards:

Front yard	25 feet
Rear yard	20 feet
Side yard*	8 feet

* Side yard setback shall not be required for interior townhouse units. Side yard shall be required for exterior lots, whether they adjoin another townhouse grouping or some other use.

7.6 BUILDING HEIGHTS

Maximum building heights shall be 32 feet.

7.7 OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section 13 of this regulation.

7.8 OFF-STREET LOADING

Off-street loading shall be provided in accordance with the requirements of Section 14 of this regulation.

7.9 SPECIAL TOWNHOUSE REQUIREMENTS

1. Townhouse Grouping - In any townhouse development, there shall be no less than three (3) and no more than eight (8) units contiguous to one another.
2. Dwelling Unit Access - No two townhouse units shall be served by the same interior or exterior stairway or by the same exterior door.
3. Setback Variation - No more than two (2) abutting townhouse units shall have a common roof or the same setback. Variations in the front setback of the front building faces shall be at least four (4) feet.
4. Minimum Distance Between Townhouse Groupings - Any grouping of townhouse units contiguous to one another, shall be separated from any other such grouping by a minimum of sixteen (16) feet.
5. Common Open Space - A minimum of thirty percent (30%) of the site to be developed for townhouses shall be provided as common open space, where lot sizes will be reduced below the single family lot area requirement, of 5,000 square feet. Fifty percent (50%) of said space shall be unencumbered with any structure or off-street parking and shall be landscaped with grass, trees, and shrubbery. The remaining fifty percent (50%) may only be used for other recreational uses.

SECTION 8 APT APARTMENTS

8.1 INTENT

The intent of this district is to provide for high density multi-family residential development. This will provide for a variety of compatible housing types to serve the varying needs of the community's residents.

8.2 PERMITTED USES

1. Conditional uses provided in Section 15 of this regulation and subject to the conditions and requirements prescribed.
2. Apartment buildings, townhouse clusters, group homes, extended care facilities and other multi-family type housing units.
3. Uses permitted in the R-2 District and the R-TH District
4. Accessory Uses and structures as defined.

8.3 LOT AREA

Lot area for any use in this district shall be no less than 10,000 square feet.

8.4 LOT COVERAGE

Not more than 50% of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of 450 square feet of floor area in its living quarters.

8.5 YARDS

Every lot shall have the following yards:

Front yard	20'
Rear yard	10'
Side yard	10'

8.6 BUILDING HEIGHTS

Maximum building heights shall be 36 feet.

8.7 OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section 13 of this regulation.

8.8 EXTERIOR APPEARANCE

All buildings in this district shall meet the following standards:

1. Minimum distance between buildings shall be 20 feet.
2. Pitch of the main roof shall not be less than one (1) foot of rise for every four (4) feet of horizontal run.
3. Eaves shall be a minimum of 18”.
4. Natural wood or imitation wood look siding shall be used.
5. All driveways and parking spaces are to be concrete and/or asphalt paving.

8.9 DENSITY

Density shall not exceed 16 dwelling units per gross acre.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

SECTION 9 B COMMUNITY BUSINESS DISTRICT

9.1 INTENT

The intent of this district is to provide a central area for the community's business, government, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and appropriate planned expansion of the present district.

9.2 PERMITTED USES

1. Antique shops.
2. Art and music supply stores.
3. Bakeries.
4. Barber and beauty shops.
5. Bars, cocktail lounges, liquor stores.
6. Bowling alleys.
7. Car washes.
8. Conditional uses in accordance with Section 15 of this regulation and subject to conditions and requirements prescribed.
9. Dressmaking.
10. Equipment sales and service.
11. Financial institutions.
12. Food and drug stores.
13. Frozen food storage and locker rental.
14. Furniture stores.
15. Gasoline service stations.
16. Hotels and motels.
17. Laundry and dry cleaning.
18. Meeting and lodge halls.
19. Museums, libraries and galleries.
20. Parking lots.
21. Printing offices.
22. Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools.
23. Professional and business office (for personal services).
24. Public offices.
25. Repair services for clothes, dolls, small appliances, watches, glasses, and such other things.
26. Research and development institutions.
27. Restaurants, cafes, drive-in eating establishments.

28. Retail sales
 - A. Clothing,
 - B. Candy,
 - C. Furniture,
 - D. Jewelry,
 - E. Excluding heavy machinery.
29. Shopping centers.
30. Signs.
31. Sporting good stores.
32. Temporary buildings for and during construction, only.
33. Theaters, except drive-ins.
34. Uses customarily accessory to those listed.
35. Vehicle and boat sales, showrooms, and service areas.
36. Veterinary clinics - small animal hospitals.
37. Wholesale establishments that use samples, but do not store stock on premises.

9.3 LOT AREA AND WIDTH

No minimum lot area or width prescribed.

9.4 COVERAGE

Buildings may cover entire lot providing other requirements are met.

9.5 YARDS

No minimum yards prescribed except a 15 foot front yard shall be required on all streets.

9.6 OFF-STREET PARKING

Off-street parking shall be provided in accordance with Section 13 of this regulation, except existing buildings may be changed from one permitted use to another without providing additional parking.

9.7 OFF-STREET LOADING

Off-street loading shall be provided in accordance with Section 14 of this regulation.

SECTION 10 STG STORAGE FACILITIES/GARAGES

10.1 INTENT

The intent of this district is to provide for storage facilities and garages in a controlled access and fenced and screened compound that contains storage spaces and garages of varying sizes and/or spaces for vehicles, equipment, recreational vehicles or boats, having individual, compartmentalized and controlled access for excess personal property and materials for individuals or families. This will provide for the needs of the community while preserving the residential quality and nature of the area.

10.2 PERMITTED USES

1. Conditional uses provided in Section 15 of this regulation and subject to the conditions and requirements prescribed.
2. Multi-unit storage buildings, garages, closets, and fenced storage compounds.

10.3 LOT AREA

Lot area for this district shall be no less than 1 acre.

10.4 LOT COVERAGE AND FLOOR AREA

No restrictions.

10.5 YARDS

A 10' yard shall be required adjacent to R-2 and R-TH zones.

10.6 BUILDING HEIGHTS

Maximum building heights shall be 20 feet.

10.7 EXTERIOR APPEARANCE

Storage facilities/garages in this district shall meet the following standards:

1. Minimum 20' graveled driveways between buildings.
2. All buildings on concrete slab.
3. All buildings to be muted natural colors.

10.8 PERIMETER LANDSCAPE BUFFER

At the time storage facilities are built, but prior to use, a 10' perimeter landscape buffer shall be required adjacent to streets and R-2 and R-TH zones.

1. A six-foot (6') high screen fence is to be constructed on each lot 10' inside any property line adjacent to the R-2 or R-TH zone.
2. The landscape buffer adjacent to a street shall be measured from the back of curb or improved edge of the roadway.
3. The 10' buffer between the fence and rear property line is to be maintained with weed fabric and 4" of 1"-3" washed gravel. Any weeds or debris are to be removed on a monthly basis.
4. Patmore Ash (1 ½ caliper) are to be planted 20' on center and properly maintained with irrigation, fertilizing, trimming and treatment as necessary for disease and pest control.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

SECTION 11 PLI PUBLIC LANDS AND INSTITUTIONS

11.1 INTENT

The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need be classified PLI. Some may fit within another district; however, the larger areas should be distinguished PLI.

11.2 PERMITTED USES

1. Accessory buildings.
2. Cemeteries.
3. Museums, zoos, historic and culture exhibits.
4. Other public buildings, i.e., fire and police stations, municipal buildings, sites for public utilities.
5. Public and non-profit quasi-public institutions, i.e., universities, elementary, junior and senior high schools and hospitals.
6. Publicly-owned land used for parks, playgrounds, and open space.
7. Temporary buildings for and during construction, only.
8. Signs

(Amended by County Commission Resolution No. 2001-41A on May 29, 2001)

11.3 LOT AREA AND WIDTH

No requirement.

11.4 LOT COVERAGE

The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings.

11.5 YARDS

No requirement except when a lot is adjacent to another district. The yards then shall be the same as the adjacent district.

11.6 OFF-STREET PARKING

Off-street parking for this district shall be provided in accordance with Section 13 of this regulation.

11.7 OFF-STREET LOADING

Off-street loading for this district shall be provided in accordance with Section 14 of this regulation.

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SECTION 12 SUPPLEMENTARY REGULATIONS

12.1 ACCESSORY BUILDINGS

No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within five and one half (5 1/2) feet of any principal buildings.

An accessory building not to exceed one story or fourteen feet in height, including heating and cooling units, may occupy not more than 25 percent of the area of a required rear yard provided that any such accessory building wall shall be at least five and one half (5 1/2) feet from the nearest point of the main building wall excluding eave overhang, eight (8) feet from the side property lines and ten (10) feet from rear property line.

12.2 AMSTERDAM HIGHWAY AND ROYAL ROAD LANDSCAPE BUFFER

A rear yard buffer for all Residential lots adjacent to Amsterdam Highway and Royal Road is to be provided as follows:

1. At the time homes are built, but prior to occupancy, a 6' high screen fence is to be constructed on the rear of each lot 10' inside the lot property lines.
2. The 10' buffer between the fence and rear property line is to be maintained with weed fabric and 4" of 1"-3" washed gravel. Any weeds or debris are to be removed on a monthly basis.
3. Patmore Ash (1 ½ caliper) are to be planted 20' on center and properly maintained with irrigation, fertilizing, trimming and treatment as necessary for disease and pest control.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

12.3 CORNER LOTS

When a lot faces more than one street and front yard setbacks have been established or in all probability will be established on both streets, corner lot setbacks shall be at least as great as established for each street, as determined by the Zoning Enforcement Agent. *See also Section 12.14, Visibility at Intersections.*

12.4 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitation contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housings, grain elevators, or other agriculture buildings except where prohibited by Federal Aviation Regulations, part 77.

12.5 FENCES, WALLS, AND HEDGES

Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight (8) feet in height.

1. Fences exceeding eight (8) feet in height shall be subject to the minimum yard requirements of the district in which such fences are located. In residential districts, no fences, walls, and hedges shall exceed four (4) feet in any front yard as defined in this regulation. Limitations of Section 12.14, Visibility at Intersections, shall apply in all districts.
2. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this regulation.
3. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

12.6 INDIVIDUAL DUPLEX TOWNHOUSE UNITS

Individual Duplex Townhouse units are to be completely separated by a common wall and arranged on a zero lot line basis.

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

12.7 OUTDOOR LIGHTING

Outdoor lighting of trees, bushes, fountains, swimming pools, or grounds of residences shall not illuminate or be reflected upon any adjacent property.

12.8 OUTSIDE STORAGE, ENCLOSURE REQUIRED

All salvage dealers, or other persons accumulating, depositing, or storing salvage material within this district when the accumulating, depositing, or storing thereof shall be without a building or not within a building, either now stored, deposited or accumulated or hereafter so deposited, stored, or accumulated, shall fence surrounding salvage materials with a solid fence at least six (6) feet high, sufficient to enclose the salvaged materials from public view from outside the enclosure.

12.9 PRINCIPAL STRUCTURES

In any district, more than one structure housing a permitted and customary accessory use may be erected on a single lot or tract of land provided that yard and other requirements of this regulation shall be met for each structure as though it were on an individual lot.

12.10 PROTECTION OF STREET RIGHTS-OF-WAY

No land use permit shall be issued or use proposed in any street right-of-way or any proposed street right-of-way shown in the River Rock Master Plan.

12.11 STOP ORDERS

Whenever any building work is being done contrary to the provisions of this regulation, the Zoning Enforcement Agent shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Enforcement Agent to proceed with the work.

12.12 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe convenient access for servicing, fire protection, and required off-street parking.

12.13 SWIMMING POOLS

No public or private swimming pool in any district shall be located in any required front yard; however, if not more than six feet in height, such use may be located in any required side or rear yard. In addition, all swimming pools shall be enclosed in an area with a fence or wall not less than forty-two (42) inches in height and no opening therein, other than door or gates, larger than four inches in any direction. A structure of any type may be used as part of such enclosure. All gates and doors opening through such enclosure shall be kept equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure for private residential pools need not be so equipped.

12.14 VISIBILITY AT INTERSECTIONS

On corner lots, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision in the required corner sight triangle, between a height of two and a half (2½) feet and ten (10) feet above centerline grades of the intersecting streets in the area bounded by curb lines of such corner lots and a line joining points along said curb lines 40 feet from property line; or on streets with no curbs then the area bounded by lot lines.

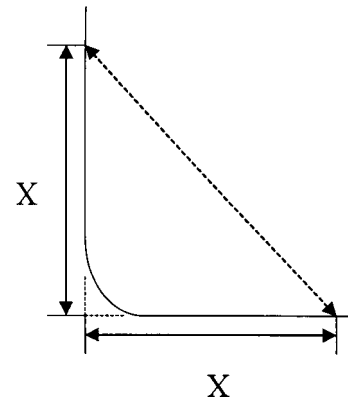


Figure 12.14
Corner Sight Triangle
X=40 feet

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

12.15 YARD ENCROACHMENTS

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

1. Cornices, chimneys, canopies, eaves, balconies or other similar features may extend into a required yard space not more than three (3) feet.
2. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five (5) feet.

SECTION 13 OFF-STREET PARKING

13.1 INTENT

The intent of this section is to reduce traffic congestion and the need for parking on public streets and hazards caused thereby, and to provide off-street parking adequate for each type of development in terms of both quantity and location.

1. **Location** - Off-street parking as required by this regulation shall be located as specified herein.
 - A. Single-family dwellings: On the same lot with the dwellings they are required to serve.
 - B. Townhouses and multi-family dwellings: On the same lot with the dwellings they are required to serve.
 - C. Hospitals, apartments, rooming and boarding houses: Within 100 feet of the use they are required to serve.
 - D. Commercial and industrial uses: Within 300 feet of the use they are required to serve.

Where a distance is specified, such distance shall be measured by a straight line from the nearest point of the building such parking area is required to serve.

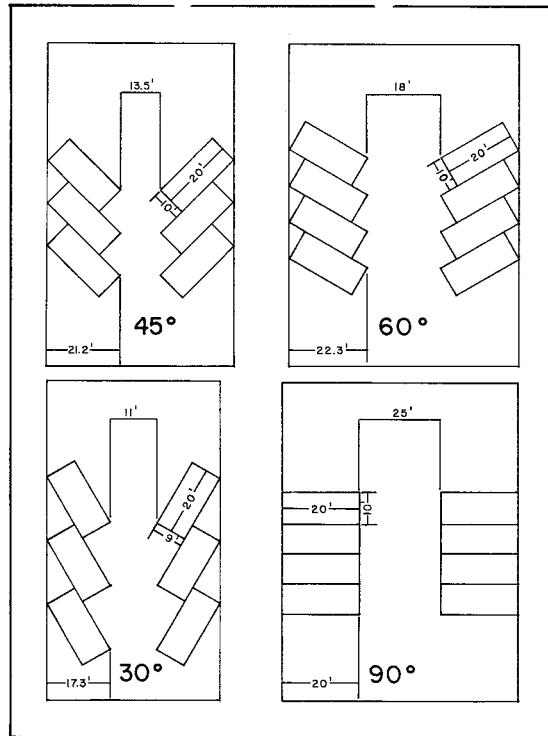
Such off-site parking areas must be accessible by a public street or alley and shall be owned or leased by the owner or lessee of the building being served by such parking and such parking lot shall have a recorded land covenant requiring such land be maintained as a parking lot so long as the building and/or use served is in operation or another suitable parking area is established to the satisfaction of the Zoning Enforcement Agent.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

2. **Size** - An off-street parking space shall be at least ten (10) feet in width and twenty (20) feet in length (except 30-degree angle parking may be nine (9) feet in width), exclusive of access drives, yards, or ramps. Such spaces shall have a vertical clearance of at least seven (7) feet.

Except in the R-2 and R-TH zones, where more than three (3) off-street parking spaces are required, the parking area shall be arranged according to one of the four designs outlined in Figure 13.1.

Figure 13.1 Off Street Parking



3. **Plans** - Except in the R-2 and R-TH zones, where more than three (3) parking spaces are proposed on a lot, a parking plan shall be submitted along with the application for a land use permit for the building which the off-street parking is required to serve. Said plan shall clearly indicate curb cuts, lighting, landscaping, construction details, and fencing.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
4. **Construction** - All permanent off-street parking spaces and access areas thereto shall be surfaced with pavement, brick or concrete. All off-street parking areas shall be designed and constructed to allow proper drainage.
(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)
5. **Screening** - Any parking area built to serve any commercial or industrial use with ten or more parking spaces shall be effectively screened by a decorative wall or landscaping from adjacent property zoned residential.
 - a. Any use having more than 3,500 square feet of required permanent parking shall have two percent of the gross parking area landscaped with suitable trees and/or shrubs having a low profile. Such landscaping shall be in place before occupancy of the building or use being served.

- b. If, due to climatic conditions, the parking area cannot be improved as prescribed, a written request for an extension of time shall be submitted to the Zoning Enforcement Agent. Said extension may then be granted for a time period not to exceed nine months.
6. **Lighting** - Lighting used to illuminate a parking area shall be arranged in such a manner that it will not be a hazard to passing motorists or constitute a nuisance of any kind. Where said parking area is within 150 feet of any property classified as residential by this regulation and where the parking area is directly visible by the residents within 150 feet illuminating devices shall be shaded in a manner that would direct the light away from the residential property.

13.2 COMBINED OCCUPANCIES

Where two or more uses are combined in one development, the total parking spaces shall be the sum total of the spaces required for each individual use. Off-street parking for one use shall not be considered for joint use as hereinafter specified.

13.3 JOINT USE

The Zoning Commission may authorize the joint use of off-street parking facilities for the following uses or activities under the conditions specified.

1. Up to 50 percent of the required off-street parking for primarily "nighttime" uses such as theaters, bowling alleys, bars, supper clubs, may be supplied by the parking requirement for primarily "daytime" uses such as banks, offices, retail and personal service establishments.
2. Number 1 above may be reversed so that parking for "daytime" uses may be used for "nighttime" activities.
3. Up to 50 percent of the parking facilities required by this section for churches or auditoriums may be supplied by the parking facilities provided for uses primarily of a daytime nature.

Where joint use is desired, an application shall be made to the Zoning Commission. Said application shall contain proof that there will be no substantial conflict in the principal operating hours of the two buildings or uses for which the joint use is proposed; that all other conditions within this section are met; and legal documents executed by the parties involved in the joint use guaranteeing use by both parties. Said legal document shall be approved by the County Attorney and recorded with the County Clerk and Recorder.

13.4 SPACES REQUIRED

The following number of off-street parking spaces per use are required in all districts:

1. Single-family, townhouses, and multi-family dwellings as defined - two spaces per unit, one of which may be stacked within the driveway area.
2. Apartments - one and a half spaces per unit.
3. Hotels and motels - one space for each room for rent.
4. All commercial uses - the number derived by multiplying the factor in the following Parking Factor Table by the total square footage in thousands in the building and shall be figured to the nearest single place decimal:

COMMERCIAL USE EXAMPLE:

- | | |
|----|--|
| #1 | Bank building - 2250 square feet (Table Factor is 44.5)
2.2 (square feet in thousands) times 4.5 (table factor) = 10 parking spaces. |
| #2 | Medical office building - 3125 square feet (Table Factor is 3.8)
3.1 (square feet in thousands) times 3.8 (table factor) = 12 parking spaces. |

5. All industrial uses - one space per each two employees or combined employment of the largest successive shift or a factor of 1.4 times the square footage of the building in thousands (figured as shown above) whichever is greater.

PARKING FACTOR TABLE

<u>USE</u>	<u>FACTOR</u>
Auto and equipment sales	1.0
Auto service, tire service, body shops, plumbing-heating and electrical shops	4.0
Bowling alley and similar entertainment enterprises	6.5
Churches	50.0
Department and clothing stores	2.5
Drive-ins	20.0
Furniture stores	1.0
General business - #1 -grocery and drug stores, sporting goods, hardware, and variety stores	3.6
General business - #2 -motor supply, paint stores, bakeries, upholstery and mail order houses	1.5
Medical offices, clinics and hospitals	3.8
Offices, banks, utility companies, barber and beauty shops	4.5
Public eating and/or drinking establishments	8.0
Theaters (excluding outdoor)	35.0

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

SECTION 14 OFF-STREET LOADING

14.1 INTENT

The intent of this section is to reduce traffic hazards and congestion by providing off-street loading berths on the same lot as the building to be served by deliveries of goods without adverse effects on adjacent properties.

14.2 STANDARDS

1. Off-street loading berths shall be provided on the same lot as the use it serves and shall not occupy the front yard.
2. No loading berth shall be located closer to a residential zoned lot than 50 feet unless enclosed by a wall or solid fence, not less than six feet in height.
3. Each loading berth shall be designed with access to a public street or alley and so designed as not to interfere with normal traffic movement.
4. Each berth shall be at least 12 feet by 35 feet in size with a height clearance of 18 feet.
5. Loading berth shall not be considered as off-street parking spaces.
6. All or part of the required loading berths may be within buildings.

14.3 BERTHS REQUIRED

Off-street loading berths shall be provided in accordance with the following schedule. If more than one use is combined in one building, the number of berths can be reduced as determined by the Zoning Enforcement Agent. Where uses are not specifically mentioned, the number of berths shall be determined by the Zoning Enforcement Agent using as a guide the most similar use on the following page.

Figure 14.3
Off-Street Loading Berths

<u>USE</u>	<u>GROSS FLOOR AREA SQUARE FEET</u>	<u>NUMBER OF BERTHS REQUIRED</u>
Multiple dwellings with over 16 units	-----	1
Schools, auditoriums, meeting halls	over 20,000	1
	50,000 - 150,000	1
	150,000 - 300,000	2
	Each additional 300,000	1
Department stores and other retail shops, restaurants, funeral homes	7,000 - 14,000	1
	14,000 - 40,000	2
	40,000 - 80,000	3
	Each additional 50,000	1
Hospitals, clinic, jail	10,000 - 100,000	1
	Each additional 250,000	1
Hotel or office building	25,000 - 40,000	1
	40,000 - 100,000	2
	Each additional 100,000	1
Industrial plant, manufacturing or wholesale establishment	10,000 - 40,000	1
	40,000 - 65,000	2
	65,000 - 100,000	3
	Each additional 50,000	1

SECTION 15 CONDITIONAL USES

15.1 INTENT

The intent of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions.

15.2 CONDITIONAL USE REQUIREMENTS

No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use in this section and approval for that use is obtained through the proper procedure. Conditional use permits shall be granted only by the Zoning Commission when their findings are that:

1. The use conforms to the objectives of the master plan and the intent of this regulation, and
2. Such use will not adversely affect nearby properties or their occupants, and
3. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this regulation, and
4. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

15.3 CONDITIONAL USE PERMIT PROCEDURE

1. All applications for conditional use permits shall be filed with the Gallatin County Planning Department, accompanied with the appropriate filing fee.
2. Said Agent shall then cause to be made such investigation of facts bearing on the applications as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this regulation.
3. A hearing on the application shall then be held before the Zoning Commission on the set time to gather needed facts from all interested parties. The public hearing shall be held within sixty (60) days of the filing of a proper application. The Zoning Commission may continue such hearing, if need be, to take additional information.
4. Legal notice shall be published once in a newspaper of general circulation within the County not less than fifteen (15) days prior to a public hearing. In addition, the County shall send certified letters to owners of record of the subject property and the property immediately adjoining the subject property.

5. After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include findings of fact as to whether the criteria established for the approval of the request are satisfied.

15.4 CONDITIONAL APPROVAL

The Zoning Commission may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area or to make it more acceptable in other ways.

15.5 CONDITIONAL USE PERMIT PROCEDURE

The following uses may be permitted as conditional uses in the districts as specified.

- | | |
|------|--|
| R-2 | Single-family Residential District - Medium Density Churches, schools, libraries, public and private parks, playgrounds. |
| R-MH | Residential Manufactured Home District - Churches, schools, libraries, public and private parks, playgrounds. |
| R-TH | Residential - Medium Density Townhouses District - Churches, schools, libraries, public and private parks, playgrounds. |
| B | Community Business District - Amusement and recreation activities, auction rooms, transportation and utility stations, apartments, drive-in banks. |

(Amended by County Commission Resolution No. 1999-09 on March 23, 1999)

SECTION 16 VARIANCES

16.1 INTENT

Variances from the terms of this regulation may be granted by the Zoning Commission only when it is found that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical classifications.

16.2 PROCEDURE

Written applications for variance shall be filed with the Gallatin County Planning Department. The appropriate fee shall accompany each application. An application shall not be regarded as having been filed until said fee is paid.

The Zoning Commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this regulation.

16.3 HEARING AND NOTICE

There shall be a hearing for each application within sixty (60) days of the filing of such application.

Notice of hearing shall be published once in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the county shall send a certified letter to owners of record of property adjoining a proposed zoning change.

16.4 APPROVAL

In approving applications of appeal, the Zoning Commission may designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare and shall find as follows:

1. Such modification will not be inconsistent with the intent and purpose of this regulation and/or the adopted development pattern.
2. That strict compliance with the provisions of this regulation would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
3. That the variance will have minimal adverse effect on abutting properties or the permitted uses thereof.
4. That the lawful condition stated in the approval are deemed necessary to protect the public health, safety, and general welfare.

16.5 CONDITIONS OF APPROVAL

Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

SECTION 17 ADMINISTRATION

17.1 EMPLOYEES AND OFFICERS

1. In accordance with Section 76-2-102, M.C.A., the River Rock Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be deemed necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent. The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without remuneration in excess of their regular salary.
2. If the Zoning Enforcement Agent shall find that provisions of this regulation are being violated with respect to zoning requirements, the Agent shall notify in writing the person responsible for such violations, indicating the nature of the violation and requesting that action be taken to correct it. The Zoning Enforcement Agent shall request discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of an illegal work being done; or shall take any other action authorized by this regulation to ensure compliance with or prevent violation of its provisions.

17.2 PERMITS

1. No buildings or other structure shall be erected, moved, added to or structurally altered and no land use shall be changed without valid land use permits as prescribed herein.
 - a. An application for a land use permit shall include such information as lawfully may be required by the Zoning Enforcement Agent including existing or proposed building and land; the number of families, housing units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for enforcement of this regulation.
2. In the R-MH Residential-Manufactured Home district, an application for a land use permit may be made with a site plan for all permanent improvements, which shall include such information as lawfully may be required by the Zoning Enforcement Agent, including scaled drawings of all applicable lots, location of the manufactured home pad within required setbacks, locations of accessory structures, required off-street parking, sidewalks, signage, and landscaping.
 - a. All improvements approved as part of the R-MH site plan shall be installed within one year.

- b. A manufactured home may be moved onto the approved pad location after completion of all improvements, or upon approval by the Planning & Zoning Commission of an Improvements Agreement for 150% of the cost of construction and installation of remaining improvements.
 - c. A new application for a land use permit shall be required for any additional buildings or structures on lots for which a site plan has previously been approved.
- 3. One copy of the application and plans shall be returned to the applicant by the Zoning Enforcement Agent after the Agent has marked and signed such copy either as approved or disapproved. The second copy similarly marked shall be retained by the Zoning Enforcement Agent.

(Amended by County Commission Resolution No. 2000-23 on April 18, 2000)

17.3 CONFORMANCE

No permit of any type shall be issued unless in conformance with the regulations contained within this regulation. Permits issued on the basis of plans and application approved by the Zoning Enforcement Agent authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this regulation.

Conditional use permits and variances by the Planning and Zoning Commission shall be deemed in conformance with the terms of this regulation. However, land use permits shall be issued only in accordance with the terms set forth in the conditional use permit and variance sections of this regulation.

17.4 EXPIRATION OF PERMITS

Every permit issued by the Zoning Enforcement Agent under the provisions of this regulation shall expire by limitation and become null and void, if the building or work authorized by such permit has not commenced within 90 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for the new permit for such work, provided no changes have been made or will be made in the original plans and specifications for the work; and provided further that such suspension or abandonment has not exceeded one year.

17.5 PERMITS ISSUED CONTRARY TO THIS REGULATION

Any building permit, or any authorization issued, granted, or approved in violation of the provisions of this regulation, shall be null and void and of no effect without the necessity of any proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such building permit or other authorization shall be unlawful.

17.6 DUTIES OF THE ZONING ENFORCEMENT AGENT

It shall be the duty of the Zoning Enforcement Agent to issue all land use permits and review all applications submitted to the planning and Zoning Commission for conditional use permits, variances, rezoning requests and amendments to the regulation. The Zoning Enforcement Agent and staff shall work for the Planning and Zoning Commission and be in an advisory capacity making recommendations on all requests. The Zoning Enforcement Agent and staff shall also investigate any possible violations of the Zoning Regulation.

17.7 APPEALS

Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this regulation may be taken in writing to the Zoning Commission. Such an appeal from the decision of the Zoning Enforcement Agent must be taken within ten (10) working days in writing to the Zoning Commission.

A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this regulation to be decided after holding a public hearing. Such hearing shall be held in accordance with Section 15 of this regulation.

17.8 FEES

All applications for permits, zone changes, conditional uses, or variances shall be accompanied by the applicable fees, which shall be established by the Planning and Zoning Commission by resolution after public notice and hearing.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission, unless, or until, preliminary charges and fees have been paid in full.

SECTION 18 NON-CONFORMING RIGHTS

18.1 INTENT

Within the districts established by this regulation or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this regulation was adopted or amended, but which would be prohibited, regulated, or restricted under terms of this regulation or future amendment. It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this regulation that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this regulation to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction lawfully began prior to the effective date of adoption or amendment to this regulation and which actual building construction was being carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

18.2 NON-CONFORMING LOTS OF RECORD

In any district notwithstanding other limitations imposed by this regulation, structures permitted in said district may be erected on any single lot of record on the effective date of this regulation. A lot of record that does not meet lot area or lot width requirements shall still meet other requirements of the district.

18.3 NON-CONFORMING USES OF LAND

Where at the time of passage of this regulation lawful use of land exists which would not be permitted by the regulations imposed by this regulation the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation.
2. If any such non-conforming use of land ceases for any reason for a period of more than twelve months, any subsequent use of such land shall conform to the regulations classified by this regulation for the district in which such land is located.
3. No additional non-conforming structure in connection with requirements of this regulation shall be erected in connection with such non-conforming uses of land.

18.4 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this regulation that could not be built under the terms of this regulation by reason of restriction on lot, area, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be altered or enlarged in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to the extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this regulation. However, any mobile home being destroyed for any natural reason such as fire or wind may be replaced and continue under a non-conforming right.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

18.5 NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structures and premises exist at the effective date of adoption or amendment of this regulation that would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful provided that:

1. No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.
2. Any non-conforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. Non-conforming use of a building, structure, or premises may be changed to other non-conforming use, provided that a conditional use permit is obtained from the Planning and Zoning Commission. In determining whether or not to grant the conditional use permit, the Commission, after recommendation from the Zoning Enforcement Agent, shall determine that proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such use, the Commission may require appropriate conditions or safeguards.

4. Any structure, or structure and land, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the non-conforming use may not thereafter be resumed.
5. Whenever a non-conforming use of a structure or premises ceases for twelve (12) months, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where a non-conforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the non-conforming status of the land.

18.6 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of the structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of non-bearing walls, to the extent not to exceed 20 percent of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

18.7 CONDITIONAL USES

Conditional uses provided for under Section 15 of this regulation shall not be deemed a non-conforming use of the district in which it is permitted.

SECTION 19 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this regulation shall be held to the minimum requirements adopted for the promotion of the health, safety, and general welfare of the zoning district. Wherever the requirements of this regulation are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards shall govern.

SECTION 20 AMENDMENTS AND CHANGES

This regulation may be amended whenever the public necessity and convenience and general welfare requires such amendment and according to the procedures prescribed by law, and this regulation.

An amendment may be initiated by:

1. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Department, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part of which shall be returnable to the petitioner; or by
2. Resolution of intention of the Board of County Commissioners, or;
3. Resolution of intention by the Planning and Zoning Commission.

Upon receipt of a proper application for an amendment or resolution of intent, the Planning and Zoning Commission shall schedule a public hearing within sixty (60) days and said hearing shall be held not less than fifteen (15) days after notice thereof is published in a newspaper of general circulation within the County and notice is mailed to all adjacent property owners.

SECTION 21 VIOLATION OF REGULATION

21.1 COMPLIANCE REGARDING VIOLATIONS

Whenever a violation of this regulation occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning and Zoning Commission or the Zoning Enforcement Agent. The Zoning Enforcement Agent shall then properly record the complaint and immediately investigate and take action thereon as provided by this regulation.

21.2 PENALTIES

Violation of the provisions of this regulation or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the River Rock Planning and Zoning Commission shall constitute a misdemeanor. Any person who violates the regulation or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$500.00 or imprisoned not more than six (6) months or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

SECTION 22 INVALIDATION

If any section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of the regulations to render the same operative and reasonably effective for carrying out the main purpose intention of the regulations.

SECTION 23 INTENT

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. Nor are these regulations set up to prevent the full utilization of lands uses for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an regulation, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

SECTION 24 ADOPTION

This regulation was adopted on October 4, 1978, and amended thereafter. The regulation has been revised consistent with the history of amendment listed below.

Gallatin County Zoning Commission:

Shelley Vance , Chairman

dismissed

Anna Rosenberry, Member

John Vincent , Member

absent

William A. Murdock, Member

Jennifer Smith Mitchell, Member

Gallatin County Commission:

Jennifer Smith Mitchell , Chairman

William A. Murdock, Member

John Vincent, Member

ATTEST:

Shelley Vance, Clerk & Recorder

(History: Amended November 17, 1978, February 13, 1979, December 9, 1981, and November 17, 1986; retyped August 12, 1993; and amended March 23, 1999.)

Amended by Resolution No. 1999-04 of the Planning and Zoning Commission on April 8, 1999, and by Resolution No. 1999-14 of the Gallatin County Commission on April 20, 1999.

Amended by Resolution No. 2000-05 of the Planning and Zoning Commission on April 13, 2000, and by Resolution No. 2000-23 of the Gallatin County Commission on April 18, 2000.

Amended by Resolution No. 2001-05 and 2001-06 of the Planning and Zoning Commission on April 12, 2001, and by Resolution No. 2001-41 of the Gallatin County Commission on April 24, 2001, and by Resolution No. 2001-41A of the Gallatin County Commission on May 29, 2001.

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